CF-1261-D (4) Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION (S) NO. - 4776 **OF 2006**

PETITIONER ..... Paltan Lal Patel S/o Late Shri Kirtan Lal Patel, Aged about 50 years, R/o Village- Naurangpur, Tahsil- Sarangarh, District- Raigarh (C.G.)

P.R. No. 4316/06
Presented by Shri S.K. Tiwari
dated 30/8/06

VERSUS

RESPONDENTS ..... 1] State of Chhattisgarh, Through: Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)

2] The District Education Officer, District- Raigarh (C.G.)

3] The Collector, Raigarh District- Raigarh (C.G.).

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PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUENCE OF WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS UNDER THE FACTS AND CIRCUMDTANCES OF THE CASE.

(23)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 4776 of 2006

Petitioner : Paltan Lal Patel

Versus

Respondent : State of Chhattisgarh & others

Shri S. K. Tiwari, Advocate for the petitioner.

Shri V. V. S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

ORDER

(4th September, 2006)

1. In the present petition, the petitioner seeks quashing of the suspension order dated 8.8.2006 (Annexure P/2) wherein it is provided that on account of petitioner' remaining absent from duty and negligent in his work, he has been placed under suspension.
2. Learned counsel appearing for the petitioner impugns the order of suspension on the ground that there is no departmental enquiry pending or no enquiry has been held before passing the impugned suspension order. No other ground is raised by the petitioner.
3. Learned counsel appearing for the respondents submits that there is an enquiry contemplated against the petitioner.
4. It is well settled principle of law that the suspension is temporary and it does not involve punishment with civil consequences. Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work

(24)

keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of departmental enquiry and likely tampering with on records. At this stage is it not necessary to go into the charges levelled against the petitioner because it may prejudice the case of the parties in the pending departmental enquiry.

5. In view of the foregoing, the petition is dismissed. There shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur